

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA, FORT MYERS DIVISION

In the Matter of:

PETER T. DVORAK

Debtor(s)/

CASE No. 9-11-bk-07437-BSS
Chapter 7

ORDER SUSTAINING TRUSTEE'S OBJECTION TO CLAIM OF EXEMPTION

THIS CASE came on for consideration, ex parte, on Trustee's Objection to Claim of Exemption ("Objection to Exemptions") (Doc. No. 40), filed by the Chapter 7 Trustee ("Trustee"). An Order Directing Response was issued on 7/14/11, and no response or a response of no opposition was filed. Accordingly, it is, therefore

ORDERED, ADJUDGED and DECREED that the Trustee's Objection to Claim of Exemption be and the same is hereby sustained, and it is further

ORDERED, ADJUDGED and DECREED that the Northwestern Mutual Life Insurance Policy number ending 6981 is not exempt under Florida Statute 222.14 since the insured is a non-resident of the state of Florida; and it is further

ORDERED, ADJUDGED and DECREED that the Debtor shall be limited to a \$1,000.00 aggregate personal property exemption, under Article X, Section 4, if claimed, a \$4,000.00 aggregate personal property exemption under Florida Statute 222.25(4) to the extent claimed; and a \$1,000.00 vehicular exemption under Florida Statutes 222.25(1) against one vehicle, if claimed, and all property which exceeds such amounts shall be deemed property of the estate and subject to administration by the Trustee; and it is further

ORDERED, ADJUDGED and DECREED the Debtor shall have the right to designate which specific assets he wishes to retain within his exemption entitlement, and it is further

ORDERED, ADJUDGED and DECREED that the Debtor be and he is hereby directed to surrender his remaining non-exempt assets to the Trustee for liquidation, or in the alternative, enter into a Stipulation for the repurchase of same, which action is to be taken within thirty (30) days of the entry of this Order.

DONE and ORDERED at Tampa, Florida, on August 17, 2011.



Barry S. Schermer
United States Bankruptcy Judge

cc: Diane L. Jensen, Trustee, P. O. Drawer 1507, Fort Myers, FL 33902-1507
CYNTHIA P. BURNETTE, Ass't U.S. Trustee, 501 E. Polk Street, #1200, Tampa, FL 33602
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